IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2751 OF 1996.

Shri Abdul Sattar Nabilal
Shaikh. ... Petitioner.

V/s.

M/s.Ludhiana Woolen & Silk
Mills Pvt.Ltd. ... Respondent.

V.K.Pradhan for the petitioner.

None for the respondent.

CORAM: V.C.DAGA, J.

DATED: 22nd November 2005.

P.C. :

. Heard learned counsel for the petitioner.

None for the respondent though served.

2. The petitioner was employed by the respondent company. The petitioner has stated in the petition that he was implicated in the false criminal case of theft of company's goods on the basis of the complaint lodged by the Manager of the respondent-company. According to the petitioner, he was arrested by the Police and after two or three days he was released on bail. He states that after release on bail when he went to resume duty, the Manager of the respondent-Company informed him that since he was involved in a criminal case of theft, the company

could consider the question of allowing him to resume his duty only after finalisation of the criminal case.

3. The petitioner further stated that on 4th November, 1992 the criminal case was decided by the Judicial Magistrate First Class, Ulhasnagar acquitting the petitioner of the criminal charges levelled against him. On 19th November, 1992, after getting the certified copy of the judgment of acquittal, he approached the respondent company to resume his duty, but the Manager of the company did not allow him to resume his duty. Thereafter, on 23rd December, 1992, the petitioner issued notice to the respondent through his Advocate demanding damages and compensation. Since there was no reply, the petitioner filed complaint under the provisions of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ("Act" for short) and challenged the action of the employer contending it to be an act of termination of services with effect from 18th January, 1993.

4. The aforesaid complaint came to be registered as Complaint (ULP) No.125 of 1993. Though the complaint was filed within the period of 90 days from the date of accrual of the said cause of action, the petitioner states that by way

of abundant precaution, as advised, he filed an application for condonation of delay.

5. The Presiding Officer, Third Labour Court, Thane vide order dated 18th January, 1995 refused to condone delay.

6. Being aggrieved by the aforesaid order refusing to condone delay, the petitioner preferred revision to Industrial Court being Revision Application (ULP) No.56 of 1995. The said revision was also dismissed by an order dated 8th December, 1995. This order is a subject matter of challenge in this petition filed under Article 226 of the Constitution of India.

7. Heard learned counsel for the petitioner. Having gone through the impugned order, one has to conclude that there is absolutely no evidence on record to show that after release on bail i.e. somewhere in 1978 till 1992, the petitioner at any point of time went to resume his duty. He did not send any letter or notice to the respondent-company complaining that he was illegally prevented from reporting on duty.

8. Both the courts below have concurrently held that the petitioner could not establish sufficient cause for condonation of delay. Right

from 1978 till the date of filing of complaint, if the period is counted it is almost 16 years. This petition is pending in this Court past 9 years. No useful purpose would be served by allowing this petition at this stage. Petitioner must have settled in this long period of 25 years. Even otherwise, no case is made out to interfere with the impugned order.

9. The petition is, thus, dismissed. Rule stands discharged with no order as to costs.

(V.C.DAGA, J.)